GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services-Treasuries and Accounts Department – Smt. Shaik Noorjahan, Part Time Masalchi, Sub Treasury, Nandyal, Kurnool District - Regularisation of Services-Revised Orders – Issued.

FINANCE (ADMN.I) DEPARTMENT

G.O. Ms. No. 04 **Date: 10.01.2024**

Read the following:-

1. G.O.(P). No.112, Finance & Planning (FW-PC-III) Department, dated 23.07.1997
2. Representation of Smt. Shaik Noorjahan, dated. 24.06.2006.
3. GO.Ms.No.190 Finance (Admn.III) Department, dated. 08.08.2007.
4. Representation of Smt. Sk. Noorjahan, dated.28.06.2008.
5. Lr. No.A3/14028/2008, dated. 20.11.2008 of DTA, AP, Hyd.
6. Memo No. 19902/239/A1/Admn.III/2008, dated 23.01.2009.
7. Representation of Smt. Sk. Noorjahan, dated Nil
8. Lr. No.A3/14028/2008, dated. 20.08.2016 of DTA, AP, Hyd.
9. Memo No. 294748/65/A2/Admn.I/2016, dated. 07.12.2016.
10. Orders of Hon'ble High Court in WP.No.18741 of 2021, dated. 14.12.2022.
11. Remarks of Finance (HR.I-Plg.Policy) Department, dated 27.10.2023 in file Comp. No.1500814

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O R D E R:

Smt. Shaik Noorjahan was appointed as Part Time Masalchi on 01.08.1983 at DST, Nandyal, Kurnool District with a remuneration of Rs.400/- p.m. The individual was under aged at the time of her appointment as Part Time Masalchi.

2. In the reference first read above, the Government has formulated a scheme for regularization of the services of the persons who have been appointed on part time basis. In the reference second read above, the individual Smt. Shaik Noorjahan has represented to the Government for considering her case for appointment in the regular vacancies by considering her girl service from 01.08.1983, duly relaxing the conditions stipulated in G.O., first read above.

3. In the reference third read above, the Government have issued orders for regularizing the services of the individual taking her girl service into consideration as a special case, w.e.f. 25.11.1993, outside the purview of G.O(P).112, Finance & Planning (FW-PC-III) Department dated 23.07.1997, subject to condition that it should not be taken as a precedent case.

4. The Director of Treasuries & Accounts has regularized the services of the individual from the date of issue of G.O.Ms.No.190, Finance & Planning (FW-PC-III) Department, dated.08.08.2007, so as to avoid complications in fixing the seniority, as the services of the other Part Time Masalchies are regularized from the date of issue of orders.

5. In the reference 4th and 7th read above, Smt. Shaik Noorjahan, Office Subordinate, STO, Nandyal, Kurnool District has represented for the regularisation of her services w.e.f. 25.11.1993. The Government have rejected the representations of the individual

vide references 6th and 7th read above and clarified that the date of regularization of the individual shall be 08.08.2007 i.e. the date of issue of the G.O. 3rd read above.

6. Aggrieved with the above clarification issued by the Government, the individual has filed W.P.No.18741/2021 in the Hon'ble High Court & in the reference 8th read above, the Hon'ble Court has passed the following directions in the WP No.18741 of 2021 on 14.12.2022.

> ... *"12. Having regard to the facts and circumstances as stated above and in view of the foregoing discussion, the present Writ Petition is allowed, directing the respondent authorities to take all necessary or consequential steps in terms of G.O.Ms. No.190 dated 08.08.2007 and set aside the proceedings dated 03.09.2007 as well as 23.01.2009, 07.12.2016. It is needless to observe that if the respondent Authorities intended to follow the procedure as contemplated to rectify the mistakes pursuant to the G.O.Ms. No.112, they are at liberty to issue appropriate proceedings. No costs."*

7. Government, after careful examination of the entire matter & the orders of Hon'ble AP High Court. hereby order to revise the date of regularization of the services of the individual as 08-08-2007, on the following grounds.

> *The appointment of Smt. Shaik Noorjahan as Part Time Masalchi was ab-initio unlawful, as she was aged 13 years & 3 months at the time of appointment i.e. much below the lawful age of employment. She was also not eligible for regularisation as per the conditions stipulated in G.O. (P) No. 112, Finance & Planning (FW-PC-III) Department, dated 23.07.1997. Her services were regularised only as a special case, on humanitarian grounds, and by taking it outside the purview of the aforementioned G.O. i.e. be relaxing the rules.*
>
> *Whereas, the services of the Part Time Masalchis who were eligible for regularisation, as per the conditions stipulated in G.O.(P).No.112,Finance & Planning (FW-PC-III) Department, dated 23-7-1997, were regularized from the date of the issue of the orders i.e. from prospective effect.*
>
> *And whereas, the orders issued in G.O.Ms.No. 190, Finance (Admin-III) Department, dated 08.08.2007 are not only contrary to the consistent stand of the Government that regularizations made as per G.O.(P).No.112, Finance & Planning (FW-PC-III) Department, dated 23.07.1997, shall be from the date of the issue of orders i.e. from prospective effect only, but also causes prejudice to the Part Time Masalchis who were eligible for regularisation as per G.O.(P). No.112, Finance & Planning (FW-PCIII) Department, dated 23-7-1997, and whose service were regularized from the date of issue of orders i.e. from prospective effect.*
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> *And further whereas, the orders issued in the G.O.Ms.No.190, Finance (Admin-III) Department, dated 08.08.2007 are not only not justified, but also create an untenable & anamolous position for the Government in the legal fora, & thus this is a fit case for revision & no prejudice or inequity is caused by the revision to Smt. Shaik Noorjahan, since the orders issued in G.O.Ms.No.190,Finance(Admin-III) Department, dated 08.08.2007, provides her a disproportionate benefit & such benefit was not provided even to the persons in a superior position to her i.e. eligible for regularistion as per the rules.*

8. Therefore, after careful consideration, the Government hereby order to revise the orders issued in the reference 3rd read above in respect of date of regulerisation of services of Smt. Shaik Noorjahan, Office subordinate, STO, Nandyal, Kurnool District and order the same to be as 08.08.2007 instead of 25.11.1993.

9. The Director of Treasuries and Accounts, Mangalagiri is requested to take further action in the matter accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

SHAMSHER SINGH RAWAT
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Director of Treasuries and Accounts Department, Mangalagiri.
The Individual through the DTA, A.P., Mangalagiri.
Copy to:
SF/SCs (1500814).

//FORWARDED :: BY ORDER//

SECTION OFFICER